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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUSTIN LEE TRIPP,

Defendant.

Case No.: 2:19-mj-00394-NJK

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Fourth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, and Kimberly M. Frayn, Assistant United States Attorney, counsel for the United States of America, and Katheryn Newman, Assistant Federal Public Defender, counsel for Defendant JUSTIN LEE TRIPP that the Court continue the June 25, 2020, preliminary hearing in this case for no earlier than 30 days from the date of the filing of this stipulation. This request requires that the Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

This stipulation is entered into for the following reasons:

1 1. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
2 preliminary hearing within a reasonable time, but no later than 14 days after the initial
3 appearance if the defendant is in custody”

4 2. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
5 showing of good cause—taking into account the public interest in the prompt disposition of
6 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
7 times”

8 3. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
9 information or indictment charging an individual with the commission of an offense shall be
10 filed within thirty days from the date on which such individual was arrested or served with a
11 summons in connection with such charges.”

12 4. The parties intended to agree to waive this Speedy Trial right while the parties
13 continued to negotiate an agreed resolution under which the defendant will plead guilty to a
14 criminal information after waiving his right to indictment. Defendant needs additional time
15 to review the discovery, investigate potential defenses, and make an informed decision as to
16 how to proceed, including whether to accept a negotiated settlement by way of plea
17 agreement in this case.

18 5. Accordingly, the parties jointly request that the Court schedule the
19 preliminary hearing in this case no sooner than 30 days from today’s date.

20 6. Defendant is in custody and agrees to the extension of the 14-day deadline
21 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
22 § 3161(b), provided that the information or indictment is filed on or before the preliminary
23 hearing date ordered pursuant to this stipulation.

24 7. The parties agree to the extension of that deadline.

1 8. This extension supports the public interest in the prompt disposition of
2 criminal cases by permitting defendant additional time to review the discovery, investigate
3 potential defenses, and make an informed decision as to how to proceed, including possibly
4 entering into a plea agreement.

5 9. Accordingly, the additional time requested by this stipulation is allowed
6 under Federal Rule of Criminal Procedure 5.1(d).

7 10. In addition, the parties stipulate and agree that the time between today and
8 the scheduled preliminary hearing is excludable in computing the time within which the
9 defendant must be indicted and the trial herein must commence pursuant to the Speedy
10 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.
11 § 3161(h)(7)(B)(i) and (iv).

12 11. This is the fourth request for an extension of the deadlines by which to
13 conduct the preliminary hearing and to file an indictment.

14 DATED this 22nd day of June, 2020.

15 Respectfully submitted,

16 NICHOLAS A. TRUTANICH
17 United States Attorney

18 /s/ Kathryn Newman
19 Assistant Federal Public Defender
20 Counsel for Defendant Justin Tripp

21 /s/ Kimberly M. Frayn
22 KIMBERLY M. FRAYN
23 Assistant United States Attorney
24

**UNITED STATES DISTRICT COURT
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UNITED STATES OF AMERICA,

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**Order on Stipulation to
Extend Deadlines to Conduct
Preliminary Hearing and
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on June 25, 2020, at the hour of 4:00 p.m., be vacated and continued to July 30, 2020, at 4:00 p.m., in Courtroom 3C.

DATED: June 22, 2020.


HONORABLE NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE